

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 05 JUL 2005

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Applicant's or agent's file reference P61949WO00	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/GB2004/002135	International filing date (day/month/year) 19.05.2004	Priority date (day/month/year) 19.05.2003	
International Patent Classification (IPC) or national classification and IPC B63H11/08, B60F3/00			
Applicant GIBBS TECHNOLOGIES LIMITED et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 18.03.2005		Date of completion of this report 30.06.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Telephone No. +49 89 2399- 2984 	

V. Nicol
CORRECTED
VERSION

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-41 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, Inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 39-41
because:
 - ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 39-41 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
 - ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
 - ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
 - ☐ See separate sheet for further details

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-23,25-38
Inventive step (IS)	Yes: Claims	
	No: Claims	24
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item III.

Claims 39-41 contain references to the description and/or the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here. Moreover the subject matter of such claim is vague, not clearly limited (Article 6 PCT) and therefore not possible to examine.

Re Item VIII.

1. Although claims 1 and 29 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2. The wording of claim 28 "an amphibious vehicle which is fully contained within the amphibious vehicle" is unclear (Article 6 PCT).

3. Claim 18 and respectively 19 refer to claim 18 (instead of 17) and respectively to claim 18 or 19 (instead of 17 or 18).

Re Item V.

1. The following documents are referred to in this communication:

- D1 : FR 1 356 637 A (DOWTY TECHNICAL DEV LTD) 27 March 1964 (1964-03-27)
- D2 : DE 198 31 324 A (LEHRBERGER ANDREAS) 20 January 2000 (2000-01-20)
- D3 : US 5 649 843 A (ELGER GERD) 22 July 1997 (1997-07-22)
- D4 : US 6 273 768 B1 (BLANCHARD CLARENCE E) 14 August 2001 (2001-08-14)

2. INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is **not new in the sense of Article 33(2) PCT**.

Document D1 discloses (the references in parenthesis applying to this document):

a jet drive for an amphibious vehicle comprising:

- a fluid inlet (16);
- a fluid outlet (21);
- a conduit extending from the fluid inlet to the fluid outlet and defining a fluid flow path therebetween; and
- a rotatable impeller (14, 17) housed within the conduit between the fluid inlet and fluid outlet, wherein:
the ratio of thrust to intake length of the jet drive may be at least 18 000 Newtons per metre.

In D1 the ratio of thrust to intake length of the jet drive is not given. Nevertheless this value seems to be a standard value for jet drive propulsion vehicle. The citation of standard value does not render the subject matter claimed novel.

Furthermore, should the applicant considered this value as so particular as to render the subject matter of the claim inventive, there is in the description no clear disclosure of the manner of obtaining this value. And therefore in this way the application is not sufficiently disclosed contrary to the requirements of **Article 5 PCT**.

2.2 Documents D2-D4 discloses also all the features of claim 1. The wording "for an amphibious vehicle" means "adapted for an amphibious vehicle". Therefore since the jet drive discloses in D2-D4 is adapted for an amphibious vehicle and even if in D2-D4 no amphibious vehicle is described these documents are also novelty destroying for the subject matter of claim 1.

2.3 With the same arguments as give above in point 2.1 and 2.2 the subject matter of independent claim 29 is not new in the sense of Article 33(2) PCT.

3. DEPENDENT CLAIMS 2-28, 30-38

Dependent claims 2-28, 30-38 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step in the meaning of **Article 33(2) and (3) PCT** (see indications of the search report).

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Moreover in many of the dependent claims the applicant gives different values to different type of ratio or range or characteristic of the claimed subject matter. Even in the cited documents these values are not given, the values mentioned in the application seem to be standard values and do therefore not render the subject matter claimed inventive or novel.

Furthermore, should the applicant considered these values as so particular as to render the subject matter of the claim inventive, there is in the description no clear disclosure of the manner of obtaining these values. And therefore in this way the application is not sufficiently disclosed contrary to the requirements of **Article 5 PCT**.

Re Item VII.

1. Independent claims 1 and 29 are not in the **two-part form** in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1 or D3) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

2. The features of the claims are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT).

3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, **the relevant background art disclosed in the documents D1 and D3** is not mentioned in the description, nor are this/these document/s identified therein.